



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2306110  
**Applicant Name:** Security Properties  
**Address of Proposal:** 5700 24th Avenue NW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future construction of a eight story building containing approximately 42,580 square feet of ground floor grocery store, approximately 675 square feet of ground floor restaurant or retail, and 268 dwelling units above. Parking will be provided for 438 vehicles in an underground parking garage.

The following approvals are required:

**Design Review** – Chapter 23.41, Seattle Municipal Code (SMC)

**SEPA** – Environmental Determination pursuant to Chapter 25.05, Seattle Municipal Code

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ EIS  
☒ DNS with conditions  
☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity**

The 63,545 square foot (1.5 acres) project site is bounded by NW 57th Street on the south, 24th Avenue NW on the west, and NW 58th Street on the north. It is located on the western half of a block. The remainder of the block is a new public park, known as The Ballard Commons, in a revitalized central area which includes a new library and neighborhood service center at the intersection of 22<sup>nd</sup> Ave. N.W. and N.W. 57<sup>th</sup> St.

The site is zoned NC3 65' with a P2 pedestrian designation along the 24th Avenue NW frontage. Other properties across streets to the west and south have the same zoning. Across NW 58th Street to the north the zoning changes to MR/RC, a 60' residential zone with some allowance of commercial uses on the ground floor.

The existing use on the proposal site is a 20,360 square foot grocery store (QFC) and its on-site parking. The site slopes approximately 18 feet from the southwest corner (lowest point) to the northeast corner (highest point).

Other immediately surrounding uses include the Ballard Library and Neighborhood Service Center, a fabric store, branch bank, Norse community hall, retail-residential mixed-use projects, a scooter retail shop, and 3-5 story multi-family housing in the form of townhouses. Most housing in the immediate area is multi-family housing, with single-family housing in outlying blocks.

Existing nearby commercial structures are 1-2 stories in height, around 18-30 feet tall. Mixed-use projects to the south now under construction are being built to a 65-foot height limit. This will also apply to a forthcoming mixed-use project across 24th Avenue NW. Existing housing projects to the north range between 30 to 60 feet tall. The new park to the east has low berms and a skate bowl.

As this site is within the Ballard Municipal Civic Master Plan area, all surrounding zoning allows a 65' height limit. It is expected that, in time, most of these properties will be developed to this height limit.

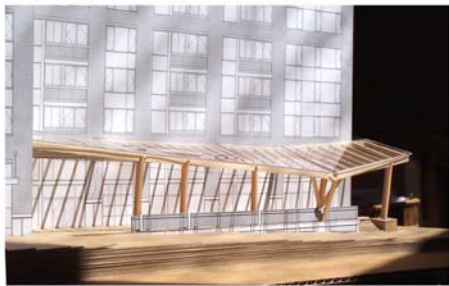
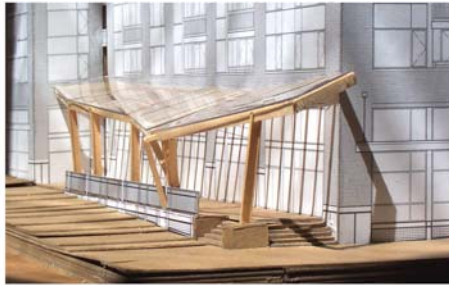
24th Avenue NW is a north-south minor arterial with four lanes and parking on both sides. A Metro bus stop is located along the site on this street. NW 57th Street is a two-lane local access street and handles mostly commercial traffic with parking on both sides. NW 58th Street is a two-lane local access street and is mostly residential-oriented with parking on both sides.

The immediate area has experienced a number of new construction projects with mixed-use retail-residential uses, plus the new park, library, and neighborhood service center.

### Proposal Description

Redevelopment of the entire site consists of demolition of the existing grocery store and associated parking lot and the construction of a new eight story mixed use structure. Below grade, an underground parking garage for 438 vehicles will be built. Above grade, the structure will consist of eight stories. The ground level will consist of retail uses, specifically a 42,580 square foot grocery store (QFC) and a 675 square foot retail space. Housing will be above the retail uses, consisting of 268 apartments.

The project will provide a 1,800 square foot outdoor seasonal sales area for the QFC store near the SW corner of the site. In a similar manner, there will be a 440 square foot outdoor customer area for the retail area at the SE corner of the property. These areas are intended to provide a pedestrian “focal point” where people can be found gathering and interacting on a daily basis.



Canopy at Southwest Corner

## Ballard Park Mixed Use

3700 24th Avenue SW  
Seattle, Washington 98107  
July 26, 2023



Painted Hardie Panels  
Painted Metal Canopies  
Painted Metal Roofing  
Russet SA038



Aluminum  
(windows, storefront, ceiling)



Exterior Materials



Cement Siding - Flat



Cement Siding - Older



Brick - Powder Millstone



Painted Stucco - Jansen E904 2



Architecture Concrete  
(natural color)

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Most vehicle access will be provided along NW 57th Street: a vehicle entrance for QFC customers for below-grade parking, a truck dock for QFC deliveries and dumpster, and a vehicle entrance for residents. A second parking entrance for residents will be located on NW 58th Street. This parking area will serve residents of the townhouses and visitors to the leasing office.

The building will be set back 10 feet from the eastern property edge (except for a 6 foot setback at window bays and 3 foot setback at terraces), with two-story townhouses fronting the adjacent public park. Residential Levels 3 through 8 will be set back an additional 23 feet, with the top level setting back 10 more feet from the park. Two-story ground related units will be provided on the north façade facing NW 58th Street. These residential units will be set back 7 feet from the north property line, with stacking residential units above.

A 110' x 110' courtyard will be centrally located above the grocery store on Level 2. It will serve as a common outdoor area for all residents and will be linked to the sidewalk on NW 57th Street via an outdoor stair. Directly connected to the courtyard will be a two-level resident amenity area, with a lounge, theater, fitness area, demonstration kitchen, and mailbox area. This amenity area will, in turn, be connected to the two-level street-level townhouse leasing area by means of an ornamental open stair.

Residential units will be provided in the form of townhouses facing the park, with flats and two-story units elsewhere. Residents will have opportunities to enter the building at the residential entrance on NW 58th Street, as well as (3) entries located on NW 57th Street.

Associated with the proposal are canopies, balconies and architectural elements of the roofline, which extend into NW 57th Street, 24th Avenue NW, and NW 58th Street. The proposed canopies will provide weather protections for pedestrians walking along the sidewalk in front of the retail uses. The primary canopy will be located over the outdoor seasonal sales area at the southwest corner of the grocery. It will be constructed as a sculptural “art piece”, featuring an exposed water collection system that will channel water into a tunnel.

## **DESIGN REVIEW BOARD – DESIGN PRIORITIES**

### **First DRB Meeting – January 12, 2004**

#### **Early Design Guidance**

The purpose of this meeting was to receive community input, obtain approval of the general layout, and determine a preferred development option.

In this meeting, the applicant presented the site plan, identifying uses and pedestrian and vehicle access points and circulation. Three options for development were presented, including the option to seek design departure to provide townhouses on the park in exchange for an additional 9 feet of building height. The applicant also presented shadow studies of the shadows cast at 4 p.m. on the Summer Solstice for each of the alternatives presented.

## **PUBLIC COMMENTS**

Public comment was received at the meeting. Comments were wide ranging. Some concern over increased congestion in the area in general and over the ability of NW 58th Street to accommodate any more traffic was expressed. Concern over the potential bulk of the building was expressed. It was stated that the upper portions of the building should “tie-in” to the base portions and read as a unified building. Support for the new, larger grocery store (QFC) was expressed along with a desire that it “spill out” onto the surrounding sidewalks. A comment encouraged contemporary architecture with extensive glass. Live-work units, especially along NW 58th Street were encouraged. Adding traffic to NW 57th Street, it was stated, would be much better than addition it to NW 58th Street as the former is wider and more commercial in nature, and there is a traffic signal at 24th Avenue NW. Another comment encouraged abundant bicycle parking.

## **PRIORITIES**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle’s *“Design Review: Guidelines for Multifamily and Commercial Buildings”* of highest priority to this project. The recommendations made were agreed to by all of the Board members present, unless otherwise noted.

**A-1 Responding to Site Characteristics**

**The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**

**A-2 Streetscape Compatibility**

**The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**

**A-3 Entrances Visible from the Street**

**Entries should be clearly identifiable and visible from the street.**

**A-4 Human Activity**

**New development should be sited and designed to encourage human activity on the street.**

**A-5 Respect for Adjacent Sites**

**Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

**A-6 Transition Between Residence and Street**

**For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

**A-7 Residential Open Space**

**Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

**A-8 Parking and Vehicle Access**

**Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.**

The Board stated that each of these priorities apply without discussing each in detail. Site characteristics to respond to would be the topographic drop along 24th Avenue NW, the new public park adjacent to the east and the commercial nature of the areas to the south and more residential to the north. Opportunities present themselves to provide human activity along each of the four facades. The placement of the driveways and loading docks may be a challenge; however, NW 57th Street seems to be the most compatible and to have the most capacity.

**A-10 Corner Lots**

**Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.**

Each of the four corners of the building call for careful consideration and expression, both at the base and on the upper levels.

**B-1 Height, Bulk and Scale Compatibility - Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.**

Sensitivity to this issue is particularly pronounced when viewed from the park to the east and from existing and future residential buildings across the street to the north.

To aid in this review the applicants were requested to bring shadow studies of the building in relation to surrounding streets and properties to the next meeting. These studies were to show shadows cast at all four seasons, on the hour, from 8 a.m. to 8 p.m.

**C-1 Architectural Context**

**New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

**C-2 Architectural Concept and Consistency**

**Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**

**Buildings should exhibit form and features identifying the functions within the building.**

**In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

A definite building vocabulary has evolved in the central area of Ballard. Brick, stone and concrete buildings, some with terracotta surfacing have been constructed over the past 100 years. A conservatism of design predominates. Solid buildings with punched windows, large windows at the street level, and overhead weather protection are the norm.

**C-3 Human Scale**

**The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.**

This is one of the greatest established patterns in central Ballard. It is an area designed to be experienced on foot. The buildings are designed to address, accommodate and encourage the pedestrian. This is done not only with overhead weather protection, but also with materials, windows, entries, details in surface treatments, etc.

- C-4 Exterior Finish Materials - Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

Exterior finish will be important elements of the design. The Board recommends brick and stone, especially at the base. Upper levels too, must be durable and preserve a quality appearance for years to come.

- C-5 Structured Parking Entrances  
The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

This will be a particular challenge along NW 57th Street, especially with regard to the proposed back-in loading docks and because of the adjacent driveway access.

- D-1 Pedestrian Open Spaces and Entrances  
Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.**

- D-2 Blank Walls  
Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.**

Uses must be created along the base of all four sides to screen the grocery store within. Residential open spaces of attractive design will be important on the north and the east. The Board recommended the creation of open spaces to be used by the public as a part of the commercial functions along the two commercial frontages.

- D-6 Screening of Dumpsters, Utilities and Service Areas - Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

The Board required that a successful plan for dealing with these elements be shown in subsequent meetings.

- D-7 Personal Safety and Security  
Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

The Board requested that consideration of the safety of persons in and around the site be taken into account.

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites**

**Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

The Board stressed the importance that the base of the building, both its landscape and its hardscape, address and work in a complementary way with the park under design to the east. It was suggested that the designers of both projects meet together and work to reach this goal.

**Next Step:**

The general plan arrangement was approved and the option to seek design departure and provide townhouses on the park in exchange for an additional 9 feet of building height was preferred by the Board.

The Board stated they would be amicable to another early design guidance meeting to consider the architecture of the proposed building further before a MUP is applied for.

**Second DRB Meeting – March 8, 2004**

**Early Design Guidance**

The purpose of this meeting was to gain community input and approval on massing, scale, character, design, and exterior materials. In this meeting, the applicant presented floor plans for all levels and exterior elevations with materials noted. A perspective sketch showing the townhouses on the park was provided.

In the presentation, the applicant presented shadow studies of the shadows cast at all four seasons, on the hour, from 8 a.m. to 8 p.m. for the existing structure, a 65' tall structure built to the property line, and the preferred 74' tall structure with townhouses at the park, a 23' setback, and then the top level set back an additional 10'.

**PUBLIC COMMENTS and PRIORITIES**

Public comments and Board priorities under “First DRB Meeting” above are actually a summary of the 1st and 2nd meetings.

**Second Meeting Deliberations**

The Board was generally supportive of the architectural approach taken. They understood and supported the changes in character expressed on the commercial south and west facades, the more residential one facing the park and the transitions between the two on the north. The break in building height in the middle of the north façade is thought to need some more attention to its expression. One member was bothered by the change in window pattern within the facades with a mixture of square and asymmetrical window shapes. The recessed decks on residential units along 24th Avenue NW were appreciated as well as the variations in deck expressions elsewhere on the building.



Materials are going to be a critical element in the successful completion of this design. Brick at the base and on the expressed frame at upper levels is essential. Careful use of materials and colors throughout will be necessary.

The Board would like the signage needs of the users of the building to be addressed during the design review stage. The QFC store, in particular, has the potential to add signage which does not work well with the overall design. The applicants are encouraged to work with QFC now to create the store signage and place it into the building design for the next meeting.

### **Third DRB Meeting – July 24, 2006**

#### **Recommendation Meeting**

The purpose of this meeting was to present final exterior materials and colors for Board approval.

At this meeting, the applicant presented site plan and floor plans of the proposed mixed-use building along with colored elevation boards and perspective sketches and a partial model of the canopy on the southwest corner.

### **DEVELOPMENT STANDARD DEPARTURES REQUESTED**

The applicants proposed the following development standard departures:

#### **DESIGN DEPARTURE NO. 1:**

##### **9' Additional building height for providing townhouses that front the park.**

#### **SMC 23.41.012.B**

**“Departures may be granted from the following requirements:**

**13. Building height within the Ballard Municipal Center master plan area, for properties zoned NC3-65'. The additional height may not exceed nine (9) feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan.”**

#### **Departure sought:**

**9' Additional building height (74' instead of 65') for providing townhouses that front the park.**

*This project proposes to construct seven (7), two-story townhouses fronting Ballard Central Park. The townhouses are setback from the property line common with the park. A continuous landscaped buffer is proposed between the park and the townhouses.*

*Above the townhouses, the remainder of the building is setback an additional 23' for a total setback of 33' from the property line common with the park.*

Board Recommendation: Approved

**DESIGN DEPARTURE NO. 2:**

**Reduction of open space.**

**SMC 23.47.024A.**

Usable open space shall be required for all residential uses in an amount equal to 20% of the structure's gross floor area in residential use.

**Departure sought:**

**Provide usable open space equal to 14% of the gross floor area in residential use.**

*To provide 20% of the gross residential area of 255,940 square feet in open space would require 51,188 square feet or 80% of the 63,546 square foot site be in open space.*

*As proposed, 57% of the site (36,325sf) will be open space including two significant public outdoor areas. One contains 1800 square feet of covered area at the sunny southwest corner of the site and another of just under 400 square feet at the southeast corner outside a small café adjacent to the park.*

*The project also includes indoor recreational space for residents, is directly above a 40,000 recreational shopping experience (IF), and is adjacent to a significant open space, Ballard Central Park*

Board Recommendation: Approved

**DESIGN DEPARTURE NO. 3:**

**Reduction of nonresidential frontage requirements.**

**SMC 23.47.008.B.5**

A minimum of eighty (80) percent of a structure's street front façade at street level shall be occupied by nonresidential uses.

**Departure sought:**

**Provide:       100% on 24<sup>th</sup> Ave. N.W.;**  
                    **54% on N.W. 57<sup>th</sup> St.; and**  
                    **25% on N.W. 58<sup>th</sup> St.**

*100% of 24<sup>th</sup> Avenue NW, the most important commercial street, is in nonresidential use. Every lineal foot possible along NW 57<sup>th</sup> is in nonresidential use. However, due to the need for residential exit stairs, access to parking and the need for grocery stores to have significant truckload space, the amount available for non-residential use is limited. NW 58<sup>th</sup> Avenue is predominantly characterized by residential, multi-family development other than near 24<sup>th</sup> Ave. N.W., the same pattern proposed for this project.*

Board Recommendation: Approved

**DESIGN DEPARTURE NO. 4:**

**Exempt townhouses along the park from residential lot coverage calculation.**

**SMC 23.47.008.D**

**Above thirteen (13) feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to maximum lot coverage of sixty-four (64) percent.**

**Departure sought: Eliminate the townhouses along the park from the calculation.**

*The second floor of the townhouses along the park ranges from about 8' above finished grade to 13' above finish grade, however the roof of these townhouses ranges from about 17' to about 23' above finished grade.*

*If the townhouses along the park are excluded from the calculation, residential area above 13' (63%) is within the 64% maximum. If the townhouses fronting the park are included in the calculation, the lot coverage would be 70%.*

*This proposal meets the intent of the zoning code, as the goal of the Ballard Municipal Center Master Plan is to increase housing and the requested townhouses are essentially below the 13'.*

Board Recommendation: Approved

**DESIGN DEPARTURE NO. 5:**

**Increase curbcut width.**

**SMC 23.54.030.F.2.b(2)**

**Curbcut widths...for 2 way traffic, maximum shall be 25'...maximum width may be increased to thirty (30) feet when truck and auto access are combined.**

**Departure sought: Allow a 41' long curbcut at truck load berths.**

*With 834' of frontage, this project is entitled to 7 curbcuts, which could be 25' wide for a total of 175' of curbcut. The proposed project requests 4 curbcuts totaling 104', far fewer than currently exist on the site.*

*A 41' curbcut is requested to make truck maneuvering easy and safe. Two curbcuts totaling 50' could be provided, or a smaller curbcut could be utilized, but would complicate exiting and entry for truck drivers, potentially distracting them from keeping an eye out for pedestrians.*

*SDOT has been consulted regarding this proposed truck loading approach and has indicated preliminary approval.*

Board Recommendation: Approved

## **PUBLIC COMMENT**

Comment was generally supportive of the design. Placement of the loading docks and the trash and recycling areas on the commercial NW 57th Street was appreciated. It was requested that the signage on the building be unobtrusive, that the QFC signage be kept to the scheme shown on presentation materials and that there not be a reader board.

## **Third Meeting Deliberations and Recommendations**

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, requested conditions and departures, and reviewing the plans, drawings and a model, the five Design Review Board members unanimously recommended **approval of** the subject design and design departures mentioned below with the following **conditions** (all recommendations were by all five members agreeing, unless otherwise indicated).

The recommendations summarized below were based on the plans submitted at that meeting. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the July 24, 2006 meeting.

The Board determined that the artistic canopy along the west façade is a desirable feature. They particularly liked the use of rainwater shed by it as a feature at the pedestrian level.

The Board recommends a condition that the feature needs to be a bolder, larger gesture than the modeled version shown. It should also provide overhead weather protection for public sidewalk pedestrians to the greatest extent possible while still incorporating the rainwater features.

The Board agreed with public comment regarding commercial signage and recommends a condition that the commercial signage on the building shall be reserved, not include reader boards and be substantially of the scale and location shown in the materials presented at the recommendation meeting.

The Board recommended approval of five development standard departures requested as noted above.

## **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Boards recommendations (SMC 23.41.014.F.3). The Director agrees with the findings and recommendations of the Board concerning the project.

## **DECISION – DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED.**

## **ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished.

Additionally, mitigation may be required when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations).” Under specific circumstances, mitigation may be required even when the Overview Policy is applicable (SMC 25.05.665(D)).

## **ENVIRONMENTAL IMPACTS**

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the Ballard Park Mixed Use Project. The potential environmental impacts disclosed by the environmental checklist and the EIS and Addendum are discussed below. Where necessary, mitigation is called for under Seattle’s SEPA Ordinance (SMC 25.05).

### **Short-Term Impacts**

Anticipated short-term impacts that could occur during demolition, excavation and construction include: increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances. Specifically these include the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

### Earth

A preliminary geotechnical report, dated April 12, 2004, was prepared for the proposal and site. It was followed by an addendum report on April 5, 2006. Borings were completed on-site in the parking lot on July 24 and 25, 2003. Borings were conducted at varying depths; one at 44 feet, four between 32 and 39 feet, and three between 16 and 17 feet. Existing topography was determined to be similar to that shown in a recent survey conducted on September 3, 2003.

Asphalt concrete and crushed rock was encountered, which at some locations was underlain by loose to medium dense fine to coarse sand with varying silt content and gravel which was interpreted to be fill. The fill depth at boring locations appears to be limited to 2-1/2 feet. Medium dense to dense silty sand with occasional gravel was found approximately 3 to 5 feet below the grade surface. Most of the soils below the fill consisted of silty sand, with zones of “cleaner” sand and silt. This soil profile is consistent with Vashon Till geology where the loose to medium dense weathered glacial till horizon grades to dense to very dense unweathered glacial till. Groundwater was encountered within sandier zones in many of the borings, and in some cases at different elevations in the same boring.

Geotechnical information in the environmental documents provides the following facts and conclusions. Temporary excavation cut slopes could likely be as steep as 0.75H:1V (horizontal: vertical), with cuts of 1H:1V to 1.5H:1V in the overlying fill/weathered zone from a stability standpoint. The till could likely accommodate a flatter slope of up to 0.5H:1V. Temporary shoring will be necessary to support the majority of the perimeter cut faces where the depth of the excavation and space limitations restrict the use of open cuts. The most appropriate temporary shoring would be soil nail walls or soldier pile walls, likely with tiebacks in the deeper cut area. It is anticipated that perched groundwater will be encountered during excavation and that construction dewatering can be handled with ditching and sumps within the excavation.

The Seattle Stormwater Grading and Drainage Control Code requires that water released from the site be clean and limits the amount of suspended particles in run off. No SEPA policy-based conditioning of earth impacts during construction is necessary.

### Traffic and Parking

Traffic during some phases of construction, such as excavation and concrete pouring, will be expected to be great enough to warrant special consideration in order to control impacts on surrounding streets. For this reason it shall be required that a construction phase truck transportation plan be approved by the Seattle Transportation in consultation with DPD.

### Air Quality

Construction activities associated with the project could generate temporary, localized increases in ambient concentrations of suspended particulates, including fugitive dust and vehicular emissions. While adverse, these impacts are expected to be temporary in nature and largely controlled by existing laws and regulations. Dust is expected to be controlled by provisions of the Seattle Stormwater, Drainage and Grading Code and by the Seattle Street Use Code. Vehicular emissions are regulated by the Puget Sound Clean Air Agency.

Given the age and size of the existing building to be demolished, it appears possible that asbestos is present in some form and that this could become airborne, if not properly removed, causing a health risk in the area. If the regulations enforced by the Puget Sound Clean Air Agency are properly followed it is unlikely the presence of asbestos will create any harm. In order to help insure that these regulations are followed, the project will be conditioned to require that a Notice of Intent be filed with the Puget Sound Clean Air Agency prior to the commencement of any demolition on the project site.

### Noise

The proposal site is located adjacent to a downtown/commercial area where construction of this scale could impact the noise levels. Several multi-story residential buildings exist to the north across NW 58th Street, and several others are completing construction to the south across the street at the intersection of 24th Avenue NW and NW 57th Street. The SEPA Noise Policy (SMC 25.05.675B) lists mitigation measures for construction noise impacts.

Most of the initial construction activities including excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on these nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit periods of construction which involve excavation, concrete pouring, steel erection or framing carpentry to between the hours of 7:30 A.M. and 6:00 P.M. on weekdays and from 9:00 A.M. and 5:00 p.m. on Saturdays.

### Long-Term Impacts

Long-term or use-related impacts could also include impacts such as but not limited to increased demand on public services and utilities, increased light and glare, and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of an office structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these include: Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Potential environmental impacts which may result in the long-term impacts are discussed below. (With regard to the Stormwater, Grading and Drainage Control Code, stormwater runoff will be reduced from the site due to a decrease in impervious site coverage, from an existing 100% down to 98% when the project is completed).

### Land Use

Existing land use in the Ballard downtown area was most recently addressed by the publication of the Ballard Municipal Center Master Plan, effective January 15, 2001. The project would be consistent with the pattern of land use change that is planned in the Master Plan area. The project would contribute to the residential growth targets of this neighborhood and would not eliminate or displace any existing housing units.

The Project is within the zoning densities allowed on the site.

No SEPA based mitigation of Land Use Policies is warranted.

### Height, Bulk, and Scale

As discussed in the Design Review portion of this decision, an additional nine (9) feet of building height has been added through a development standard departure available to projects in a NC3 65' zone within the Ballard Municipal Center Master Plan area providing townhouses that front the park (to the east).

The height, bulk and scale measures were addressed in the MUP and Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675, a project that is approved pursuant to the Design Review process shall be presumed to comply with the height, bulk and scale policies. The proposed single building scheme has been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project and that assessment is followed here.

### Views

The project does not propose any street vacations; views down these public rights-of-way would not be affected. Because of the amount of development that now exists on-site, no significant (e.g. Mount Rainier, Space Needle, Downtown, etc.) cross-site view opportunities currently exist. Some territorial views (e.g. view across the parking lot, or looking over the park) will be altered. There are no known view impacts which would coincide with SEPA protected views for locations identified in the Seattle SEPA Policies; hence, no SEPA conditioning for significant adverse view impacts is warranted.



*Transportation*

Traffic impacts to be expected from the proposed project are disclosed in the July 2006 Traffic Impact Analysis. These include approximately 2,410 net new trips on a typical weekday and 226 net new PM peak hour trips.

The study area and scope of the applicant's traffic analysis was coordinated in advance with staff from DPD. Based on anticipated travel patterns, the following intersections were evaluated during the weekday PM peak hour:

1. 24th Avenue NW / NW 57th Street (signalized)
2. 24th Avenue NW / NW 58th Street (stop-controlled)
3. 22nd Avenue NW / NW 57th Street (yield-controlled)
4. 22nd Avenue NW / NW 58th Street (unsignalized traffic-calming circle)
5. 20th Avenue NW / NW 58th Street (stop-controlled)
6. NW Market Street / 24th Avenue NW / Shilshole Avenue NW (signalized)
7. NW Market Street / 22nd Avenue NW / Leary Avenue NW (signalized)
8. NW Market Street / 20th Avenue NW (signalized)
9. NW Market Street / 17th Avenue NW (signalized)
10. NW Market Street / 15th Avenue NW (signalized)

Project traffic would have a minor effect on traffic operations at study intersections during the PM peak hour. For 2008 with-project conditions, most study intersections would operate at LOS D or better during the PM peak hour with the exception of the NW Market Street / 22nd Avenue NW / Leary Avenue NW intersection which would operate at LOS E. As a result, no significant adverse traffic impacts are expected.

All site access driveways would operate at LOS B or better during the weekday PM peak hour.

Historic accident records at the study intersections do not identify any of the intersections as meeting the City's criteria for a High Accident Location. In addition, the proposed project is not expected to significantly impact traffic safety within the study area.

The mixed-use development would generate a peak parking demand of 410 vehicles. As a result, the proposed 438-stall parking garage is anticipated peak parking demand.

The project would contribute the greatest share of traffic at the intersections of 22nd Avenue NW at NW 58th Street and 22nd Avenue NW at NW 57th Street, with impacts between 20 and 23 percent. These locations are immediately east of the site and capture the majority of east-oriented site traffic. The percent of traffic volume impacts at the other study intersections range between less than one percent and approximately eight percent.

The project is well served by public transit. The nearest King County Metro Transit (Metro) transit stop is located adjacent to the project site along 24th Avenue NW. The site vicinity is served by Metro Routes 15, 17, 18, 44, 46 and 75. These transit routes generally operate with 15-minute headways during the commute periods and 20 to 30-minute headways at other times.

Routes 15, 17 and 18 provide direct service to and from downtown Seattle. Route 44 provides service between Montlake and Ballard while Routes 46 and 75 serve the University of Washington. Persons living in the proposed development would be expected to make use of pedestrian facilities to travel to work and to travel to and from transit stops in addition to using cars.

It can be reasonably expected that the proposal will generate a substantial amount of pedestrian traffic through the nearby area.

Based on the Seattle Bicycling Guide Map, published by SDOT, there are no dedicated bicycle trails or bicycle lanes adjacent to the project site. However, 24th Avenue NW and NW Market Street west of 22nd Avenue NW are classified by the City as arterials commonly used by bicyclists. Similarly, NW 45th Street is classified by the City as a non-arterial street commonly used by bicyclists.

The Concurrency analysis shows that City of Seattle concurrency standards would be met with the project. This indicates adequate capacity exists to serve the increase in travel demand resulting from the proposed project.

Specific off-site mitigation measures are not recommended, nor required, to reduce/offset potential site-generated traffic impacts.

### Parking

The Seattle Land Use Code requires 438 parking spaces for the project: 86 non-residential parking spaces (including transit reduction), and 352 residential parking spaces (approximately 1.31 spaces per residential unit) as noted below:

- The commercial uses on the site include 42,580 +/- square foot of retail (grocery) and 675 square foot of restaurant or retail, together totaling 43,175 +/- square foot in nonresidential uses. The Seattle Land Use Code in section 23.47.044.B.2 provides a parking reduction in P2 zones for the first 5,000 square foot. In addition, the Code in section 23.54.015.E provides a parking waiver for the first 2,500 square foot. In addition, a transit reduction is allowed for nonresidential space outside the P2 zone. The resulting required nonresidential parking requirement totals 86 stalls.
- The Seattle Land Use Code requires 1.25 parking spaces per residential unit, plus additional area for units averaging more than 500 square foot, totaling 352 residential stalls.

A shared parking agreement between the Ballard Housing Group, LLC, and the retail anchor has been provided to the City for 26 stalls, thus bringing the total provided parking stalls (per Land Use Code) to 438 stalls (412 provided residential and nonresidential stalls plus 26 via a shared parking agreement). This shared parking arrangement is authorized under SMC 23.54.020.G.

The traffic analysis indicates the site's peak parking demand for the combination of residential and commercial uses would be 410 parking spaces and occur around 7:00 P.M. on an average weekday. Individually, the peak parking demand for the residential use would be 322 parking spaces and occur between the hours of 10:00 P.M. and 6:00 A.M. while the peak parking demand for the commercial uses would be 103 parking spaces and occur around 1:00 P.M.

As a result, the proposed 438 parking spaces is expected to accommodate the anticipated peak parking demand. No SEPA conditioning of parking impacts will be imposed.

### *Pedestrian Improvements*

The project site is located in a P2 pedestrian zone as described in the City of Seattle Land Use and Zoning Code. The Ballard neighborhood has a large amount of pedestrian traffic due to the amount of restaurant and retail stores within walking distance to each other. The project has been designed to accommodate the needs of this specific pedestrian oriented area by dedicating the ground floor to retail and restaurant uses. These uses are expected to have a large number of patrons who will walk to and from this building thereby reducing the amount of vehicular traffic. To enhance the likelihood of pedestrian trips in lieu of vehicle trips, the applicant has proposed weather protection above all storefronts, resulting in a majority of the fronting sidewalk to be under cover.

The SW corner of the site will be the busiest with pedestrians using the crosswalks on 24th Avenue NW and NW 57th Street. A covered pedestrian plaza will also be located on the SW corner of the site, which will provide for a pedestrian-friendly entrance to the grocery. This will also open up the corner of the site where pedestrian traffic will be the heaviest. Canopies will be provided on the west side of the building (along 24th Avenue NW) to accommodate bus patrons, allowing elimination of the existing bus shelter which currently further restricts pedestrian traffic. The applicant will also provide bicycle racks that will be installed on site to provide a safe area to store bicycles.

The sidewalk on the south side of the project along NW 57th Street will be widened to accommodate pedestrian traffic. This will allow for an improved frontage along the street level retail.

No conditioning of impacts on pedestrian environments is necessary.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

Based on the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

### **SEPA CONDITIONS**

#### **Prior to Issuance of a Construction Permit**

The owner(s) and/or responsible party(s) shall:

1. A construction phase truck transportation plan shall be developed and approved by Seattle Transportation in consultation with DPD.
2. A Notice of Intent shall be filed with the Puget Sound Clean Air Agency prior to the commencement of any demolition on the project site.

#### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

3. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit periods of construction which involves excavation, concrete pouring, steel erection or framing carpentry to between 7:30 A.M. and 6:00 P.M. on weekdays and to between 9:00 A.M. and 5:00 p.m. on Saturdays.

The Department recognizes there may be occasions when critical construction activities on a critical nature, related to safety or traffic or construction process issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to allow work to take place which exceeds the above noise generation restrictions. Such work must be approved by the Department on a case-by-case basis prior to it taking place.

**CONDITIONS - DESIGN REVIEW**

4. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on July 24, 2006.
5. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, [scott.kemp@seattle.gov](mailto:scott.kemp@seattle.gov)). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
6. Compliance with all images and text on the MUP drawings, Design Review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager.

An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

7. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP Plans, and all building permit drawings.

Signature: (signature on file)  
Scott Kemp, Senior Land Use Planner  
Department of Planning and Development

Date: September 11, 2006